

2016 -- S 2864

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- TRANSPORTATION NETWORK
COMPANY SERVICES

Introduced By: Senators Goodwin, and Miller

Date Introduced: March 31, 2016

Referred To: Senate Commerce

(Division of Public Utilities)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 14.2

4 TRANSPORTATION NETWORK COMPANY SERVICES

5 **39-14.2-1. Definitions.** -- Terms in this chapter shall be construed as follows, unless
6 another meaning is expressed or is clearly apparent from the language or context:

7 (1) "Administrator" means the administrator of the division of public utilities and
8 carriers.

9 (2) "Digital network" means any online-enabled technology application service, website
10 or system offered or utilized by a transportation network company that enables the
11 prearrangement of rider transportation with transportation network company drivers.

12 (3) "Division" means the division of public utilities and carriers.

13 (4) "Partner" or "partnering" means the act of a TNC operator agreeing to the terms and
14 conditions set forth by a TNC for access to the TNC's digital network for the purpose of being
15 connected to potential TNC riders seeking TNC services.

16 (5) "Person" means and includes any individual, partnership, corporation or other
17 association of individuals.

18 (6) "Personal vehicle" means a vehicle that is used by a transportation network company

1 driver and is:

2 (i) Designed to hold no more than seven (7) individuals, including the driver;

3 (ii) Owned, leased or otherwise authorized for use by the individual; and

4 (iii) Not a jitney, as defined in §39-13-1, a taxicab or limited public motor vehicle, as
5 defined in §39-14-1, a public motor vehicle, as defined in §39-14.1-1, or a common carrier as
6 defined in title 39.

7 (7) "Transportation network company" or "TNC" means an entity licensed by the division
8 pursuant to this chapter that uses a digital network to connect transportation network company
9 riders to transportation network operators who provide prearranged rides. A transportation
10 network company shall not be deemed to control, direct or manage the personal vehicles or
11 transportation network company drivers that connect to its digital network, except where agreed
12 to by written contract.

13 (8) "Transportation network company affiliation placard" or "TNC affiliation placard"
14 means a recognizable logo or decal issued by the TNC used to identify personal vehicles
15 whenever such a vehicle is available to provide, or is providing, TNC services.

16 (9) "Transportation Network operator" or "TNC operator" or "TNC driver" means an
17 individual who:

18 (i) Receives connections to potential riders and related services from a transportation
19 network company in exchange for payment of a fee to the transportation network company; and

20 (ii) Uses a personal vehicle to offer or provide a prearranged ride to TNC riders upon
21 connection through a digital network controlled by a transportation network company in
22 exchange for compensation or payment of a fee.

23 (10) "Transportation Network Company (TNC) rider" or "rider" means an individual or
24 persons who uses a transportation network company's digital network to connect with a
25 transportation network driver who provides prearranged rides to the rider in the driver's personal
26 vehicle between points chosen by the rider.

27 (11) "Transportation Network Company services" or "prearranged ride" means the
28 provision of transportation by a TNC driver to a TNC rider beginning when a TNC driver accepts
29 a TNC rider's request for a ride made only through a digital network controlled by a
30 transportation network company (TNC), continuing while the TNC driver transports the
31 requesting TNC rider(s) and ending when the last requesting TNC rider(s) departs from the
32 personal vehicle. TNC services and prearranged rides do not include transportation provided
33 using a jitney, as defined in §39-13-1, a taxicab or limited public motor vehicle, as defined in
34 §39-14-1. A public motor vehicle, as defined in §39-14.1-1, a common carrier as defined in title

1 39 of the general laws, or a regional transportation provider. TNC services and prearranged rides
2 do not include a shared expense carpool or vanpool arrangement or service, or any other type of
3 arrangement or service in which the driver receives a fee that does not exceed the driver's costs
4 associated with providing the ride or any arrangement or service in which the driver receives a fee
5 that exceeds the driver's costs associated with providing the ride but the driver makes no more
6 than three (3) roundtrips per day in the course of performing such arrangements or services.

7 **39-14.2-2. Not other carriers.--** TNCs or TNC drivers are not common carriers, as
8 defined in title 39, jitneys, as defined in §39-13-1, taxicabs or limited public motor vehicles, as
9 defined in §39-14-1, or public motor vehicles, as defined in §39-14.1-1. In addition, a TNC driver
10 shall not be required to register the vehicle such driver uses for prearranged rides as a commercial
11 or for-hire vehicle.

12 **39-14.2-3. Powers of division.--** Every person operating a licensed transportation
13 network company or operating as a licensed transportation network company operator is declared
14 to be subject to the jurisdiction of the division of public utilities and carriers. The division may
15 prescribe rules and regulations consistent with this chapter that are necessary to assure adequate,
16 safe and compliant service under this chapter. The division is further authorized to conduct
17 investigations into complaints, conduct investigations initiated on its own, and to hold hearings as
18 it deems necessary to fulfill the proper administration of this chapter.

19 **39-14.2-4. Audit procedures.--** (a) For the sole purpose of verifying that a TNC is in
20 compliance with the requirements of this chapter and no more often than annually, the division
21 shall have the right to visually inspect a sample of records that the TNC is required to maintain.
22 The sample shall be chosen randomly by the division in a manner agreeable to both parties. The
23 audit shall take place at a mutually agreed upon location in Rhode Island. Any record furnished to
24 the division may exclude information that would tend to identify specific drivers or riders.

25 (b) In response to a specific complaint against any TNC driver, or upon reasonable
26 suspicion that a violation of this chapter has occurred, the division is authorized to inspect records
27 held by the TNC that are necessary to investigate and resolve the complaint. Any record furnished
28 to the division may exclude information that would tend to identify specific drivers or riders,
29 unless the identity of a driver or rider is relevant to the complaint.

30 (c) Any records inspected by the division under this chapter shall be held confidential by
31 the division and shall not be published or be open to public inspection in any manner; provided,
32 that nothing contained in this subsection shall be construed to prevent disclosure of such
33 information that is necessary to assist law enforcement officers in the performance of their duties.

34 **39-14.2-5. Permit required of transportation network company.--** (a) No person shall

1 operate a TNC in the state until that person shall have applied for and obtained a permit from the
2 division; provided, that any transportation network company operating in the state before the
3 effective date of this chapter may continue to operate in the state until the division creates a
4 permit process as required pursuant to this section, and provides a reasonable period in which to
5 apply and obtain a permit.

6 (b) The permit shall be issued only after written application for the permit accompanied
7 by an application fee of ten thousand dollars (\$10,000), and only after the division satisfactorily
8 determines that the applicant meets the requirements for a TNC set forth in this chapter and as set
9 forth in any rules or regulations promulgated in accordance with §39-14.2-3, provided that no
10 hearing on the application shall be required, but provided further, however, that the division shall
11 reserve the right to require a hearing on the application if it deems that a hearing is in the public
12 interest.

13 (c) All permits issued under this section shall be renewed before the close of business on
14 December 31 of each calendar year. The annual renewal fee shall be ten thousand dollars
15 (\$10,000). All revenue collected under this section shall be deposited into the transportation
16 network services reserve account as provided in §39-14.2-6.

17 (d) Permits issued under this chapter shall not be transferred without the consent of the
18 division.

19 (e) The sale or other transfer of a controlling percentage of the capital stock or
20 membership interests of a TNC, whether by merger, stock sale or otherwise, or the sale or transfer
21 of more than fifty percent (50%) of the value of the assets of a TNC, shall be deemed a change of
22 control, not a transfer, and shall not be subject to the restrictions in subsection (d) of this section.
23 The phrase "controlling percentage" means the ownership of, and the right to vote, stock or
24 interests possessing more than fifty percent (50%) of the total combined voting power of all
25 classes of TNC's capital stock or interests issued, outstanding and entitled to vote for the election
26 of directors.

27 **39-14.2-6. Transportation network services administrative reserve account-**
28 **recovery of administration and enforcement expenses. --** There is hereby created a fund to be
29 known as the transportation network services administration reserve account, a restricted-use
30 account within the division of public utilities and carriers. Such account, hereinafter referred to as
31 the "fund," shall be used for the purpose of providing the financial means for the division to fulfill
32 its regulatory oversight of this chapter, enforcing relevant sections of this chapter, and any other
33 administrative expense deemed necessary by the administrator.

34 **39-14.2-7. Transportation network company operators or TNC operators, TNC**

1 drivers.-- (a) No individual shall provide TNC services or transport TNC riders in a personal
2 vehicle until the individual shall have first submitted to required background checks conducted
3 through the TNC in accordance with subsection (b) of this section.

4 (b) Prior to permitting an individual to accept trip requests through its digital network, a
5 TNC shall:

6 (1) Require the individual to submit an application to the TNC. The application shall
7 include the individual's name, address, age, driver's license number, photocopy or electronic copy
8 of the driver's license, motor vehicle registration for the personal vehicle that the individual
9 intends to use to provide prearranged rides, automobile liability insurance, and other information
10 as may be required by the TNC.

11 (2) Conduct, or have a third party accredited by the national association of professional
12 background screeners conduct, a local and national criminal background check for each applicant
13 that shall include:

14 (i) Multi-state/multi-jurisdictional criminal records locator or other similar commercial
15 nationwide database with validation (primary source search); and

16 (ii) Dru Sjodin National Sex Offender Public Website; and

17 (3) Obtain and review, or have a third party obtain and review, a driving history research
18 report for such driving applicant.

19 (c) The TNC shall certify that the required background checks verify that the applicant
20 meets the following criteria:

21 (1) Has not had more than three (3) moving violations in the prior three (3) year period,
22 or one of the following major violations in the prior three (3) year period:

23 (i) Attempting to evade the police;

24 (ii) Reckless driving or driving on a suspended; or

25 (iii) Revoked license;

26 (2) Has not, in the past seven (7) years, been convicted of or pleaded nolo contendere to
27 any of the following:

28 (i) Driving under the influence of drugs or alcohol;

29 (ii) Felony fraud;

30 (iii) Sexual offenses;

31 (iv) Use of a motor vehicle to commit a felony;

32 (v) Felony crimes involving property damage, and/or theft; or

33 (vi) Acts of violence or felony acts of terror.

34 (3) Is not a match in the Dru Sjodin National Sex Offender Public Website;

- 1 (4) Possesses a valid driver's license;
2 (5) Possesses proof of registration for the motor vehicle to be used to provide prearranged
3 rides or TNC services.
4 (6) Possesses proof of automobile liability insurance, which satisfies the financial
5 responsibility requirement for a motor vehicle under §31-47-2(13)(i)(A), for the motor vehicle(s)
6 to be used to provide prearranged rides or TNC services; and
7 (7) Is at least nineteen (19) years of age.
8 (d) TNC operators may be affiliated with or may "partner" with more than one properly
9 permitted transportation network company to provide TNC services.

10 **39-14.2-8. Solicitation and acceptance of TNC service requests.--** TNC operators shall
11 be strictly prohibited from soliciting or accepting so-called "street hails."

12 **39-14.2-9. Vehicles to be utilized to provide TNC services.--** TNC operators may
13 utilize a personal vehicle to provide licensed TNC services, provided:

14 (1) The vehicle is owned by, leased to or otherwise authorized by the legal owner/lessee
15 to be used by a TNC operator to provide TNC services; and

16 (2) The vehicle is no older than fifteen (15) model years old and is designed to hold no
17 more than seven (7) individuals, including the driver; and

18 (3) The vehicle meets the vehicle safety inspection requirements for a private motor
19 vehicle in Rhode Island or the state in which the vehicle is registered performed by a facility
20 licensed by the state to conduct such inspections, and shall display an according inspection sticker
21 on the vehicle's windshield if required to do so by applicable law; and

22 (4) The vehicle shall have met or surpassed sanitary/acceptability standards established
23 by the TNC with which the TNC operator has "partnered"; and

24 (5) It shall be prohibited for a TNC operator to connect to a TNC's digital network for the
25 purpose of accepting solicitations and providing TNC services in a personal vehicle other than a
26 personal vehicle that the TNC operator has registered with the TNC pursuant to §39-14.2-11.

27 **39-14.2-10. Electronic identification of TNC vehicles and drivers by TNC.--** The
28 TNC's digital network shall display to passengers requesting TNC services a picture of the TNC
29 driver and the license plate number of the vehicle to be used to provide the requested services
30 before the passenger enters the TNC operator's vehicle.

31 **39-14.2-11. Transportation network affiliation placards required.--** (a) No personal
32 vehicle shall be utilized to provide TNC services until the TNC operator intending to utilize a
33 personal vehicle to provide such TNC services has first registered the vehicle with the TNC and
34 the owner has been issued by the TNC a transportation network affiliation placard.

1 (b) TNC operators shall be required to display the transportation network affiliation
2 placard in a conspicuous place on the personal vehicle at all times when connected to a TNC's
3 digital network.

4 **39-14.2-12. Fare charged for TNC services provided.--** (a) On behalf of a TNC
5 operator, a TNC may charge a fare for the transportation services provided to the passengers;
6 provided that, if a fare is charged, the TNC shall disclose to the riders the fare or fare calculation
7 method on its website or within the digital network.

8 (b) The TNC shall provide the potential rider with the option to receive a reasonably
9 accurate estimate of the expected total fare before the passenger enters the TNC operator's
10 personal vehicle.

11 (c) Fares for TNC services shall not be paid in cash. Any payment for TNC services shall
12 be made only electronically using the TNC's digital network or other application.

13 **39-14.2-13. Rights of TNC riders.--** (a) Within a reasonable period of time following the
14 completion of a TNC service trip, a TNC shall transmit an electronic receipt to the rider that lists:

15 (1) The origin and destination of the trip;

16 (2) The total time and distance of the trip; and

17 (3) An itemization of the total fare paid, including any additional surcharges.

18 (b) A TNC shall be prohibited from disclosing a TNC rider's personally identifiable
19 information to a third party, unless:

20 (1) Disclosure is pursuant to the publicly disclosed terms of the TNC's privacy policy or
21 another consent mechanism to which the rider consents;

22 (2) Disclosure is required by a legal obligation; and

23 (3) Disclosure is required to protect or defend the terms of use of the service or to
24 investigate violations of those terms. In addition to the foregoing, a TNC shall be permitted to
25 share a rider's name and/or telephone number with the TNC operator providing prearranged rides
26 or TNC services to such passenger in order to facilitate correct identification of the rider by the
27 TNC operator or to facilitate communication between those two (2) parties.

28 (c) A TNC rider shall be afforded all of the anti-discrimination protections provided in §
29 39-14.2-21.

30 **39-14.2-14. Proof of financial responsibility of transportation network companies.--**

31 (a) On or before ninety (90) days after the effective date of this chapter and thereafter, TNCs and
32 TNC drivers shall comply with the automobile liability insurance requirements of this section.

33 (b) The following automobile liability insurance requirements shall apply during the time
34 that a TNC driver is logged into the TNC's digital network and available to receive requests for

1 transportation but is not providing prearranged rides:

2 (1) Primary automobile liability insurance in the amount of at least fifty thousand dollars
3 (\$50,000) for death and bodily injury per person, one hundred thousand dollars (\$100,000) or
4 death and bodily injury per incident, and twenty-five thousand dollars (\$25,000) for property
5 damage.

6 (2) Uninsured and underinsured motorist coverage to the extent required by §27-7-2.1.

7 (3) The coverage requirements of subsection (b) of this section may be satisfied by any of
8 the following:

9 (i) Automobile insurance maintained by the TNC driver; or

10 (ii) Automobile insurance maintained by the TNC; or

11 (iii) Any combination of subsections (b)(3)(i) and (ii) of this section.

12 (c) The following automobile liability insurance requirements shall apply while a TNC
13 driver is providing prearranged rides:

14 (1) Primary automobile liability insurance that provides at least one million five hundred
15 thousand dollars (\$1,500,000) for death, bodily injury and property damage;

16 (2) Uninsured and underinsured motorist coverage to the extent required by §27-7-2.1;

17 (3) The coverage requirements of this subsection (c) of this section may be satisfied by
18 any of the following:

19 (i) Automobile liability insurance maintained by the TNC driver; or

20 (ii) Automobile liability insurance maintained by the TNC; or

21 (iii) Any combination of section (c)(3)(i) and (ii) of this section.

22 (d) If insurance maintained by a TNC driver to fulfill the insurance requirements of
23 subsection (b) and (c) of this section has lapsed or does not provide the required coverage,
24 insurance maintained by a TNC shall provide the coverage required by this section beginning
25 with the first dollar of a claim and such insurer shall have the duty to defend such claim.

26 (e) Coverage under an automobile insurance policy maintained by the transportation
27 network company shall not be dependent on a personal automobile insurer first denying a claim
28 nor shall a personal automobile insurance policy be required to first deny a claim.

29 (f) Insurance required by this section may be placed with an insurer licensed under §27-
30 2.4-1 et seq., or with a surplus lines insurer eligible under §27-3-40 that has a credit rating of no
31 less than "A-" from A.M. Best or "A" from Demotech or similar rating from another rating
32 agency recognized by the Rhode Island insurance division.

33 (g) Insurance required by this section shall be deemed to satisfy the financial
34 responsibility requirement for a motor vehicle under §31-47-2(13)(i)(A).

1 (h) A TNC driver shall carry physical or electronic proof of coverage satisfying
2 subsections (b) and (c) of this section with them at all times during their use of a vehicle in
3 connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide
4 this insurance coverage information to the directly interested parties, automobile insurers and
5 investigating police officers, upon request pursuant to §31-47-2(15). Upon such request, a TNC
6 driver shall also disclose to directly interested parties, automobile insurers, and investigating
7 police officers, whether they were logged on to the TNC' s digital network or providing
8 prearranged rides at the time of an accident.

9 **39-14.2-15. TNC and insurer disclosure requirements.--** (a) The TNC shall disclose in
10 writing to TNC drivers the following before they are allowed to accept a request for prearranged
11 rides on the TNC' s digital network:

12 (1) The insurance coverage, including the types of coverage and the limits for each
13 coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with
14 a TNC's digital network; and

15 (2) That the TNC driver's own automobile insurance policy might not provide any
16 coverage while the driver is logged on to the TNC's digital network and is available to receive
17 transportation requests or is engaged in a prearranged ride, depending on its terms.

18 (b) Insurers that write automobile liability insurance in Rhode Island may exclude any
19 and all coverage afforded under the policy issued to an owner or operator of a personal vehicle
20 for any loss or injury that occurs while a TNC driver is logged on to a TNC's digital network or
21 while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to
22 any coverage included in an automobile insurance policy including, but not limited to:

23 (1) Liability coverage for bodily injury and property damage;

24 (2) Uninsured and underinsured motorist coverage;

25 (3) Medical payments coverage;

26 (4) Comprehensive physical damage coverage;

27 (5) Collision physical damage coverage; and

28 (6) Personal injury protection.

29 Such exclusions shall apply notwithstanding any requirement under §31-47-2(13)(i)(A).
30 Nothing in this section shall be construed as to require an insurer to use any particular policy
31 language or reference to this section in order to exclude any and all coverage for any loss or
32 injury that occurs while a driver is logged on to a TNC's digital network or while a TNC driver
33 provides a prearranged ride.

34 Nothing in this section shall be deemed to preclude an insurer from providing primary or

1 excess coverage by contract or endorsement for the TNC driver's personal vehicle while the TNC
2 driver is logged on to a digital network or while the driver is engaged in a prearranged ride.

3 (c) Automobile insurers that exclude the coverage described in §39-14.2-14 (b) and (c)
4 shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in
5 this chapter shall be deemed to invalidate or limit an exclusion contained in a policy including
6 any policy in use or approved for use in Rhode Island prior to the enactment of this chapter that
7 excludes coverage for vehicles used to carry persons or property for a charge or available for hire
8 by the public. An automobile insurer that defends or indemnifies a claim against a driver that is
9 excluded under the terms of its policy, shall have a right of contribution against other insurers that
10 provide automobile insurance to the same driver in satisfaction of the coverage requirements of
11 §39-14.2-14(b) and (c) at the time of loss.

12 (d) In a claims coverage investigation, a TNC shall immediately provide upon request by
13 directly involved parties or any insurer of the transportation network company driver, if
14 applicable, the precise times that a transportation network company driver logged on and off of
15 the TNC's digital network in the twelve (12) hour periods immediately preceding and
16 immediately following the accident. Any insurer potentially providing coverage under §39-14.2-
17 14(b) and (c) shall disclose upon request by any other such insurer involved in the particular
18 claim, the applicable coverage, exclusions, and limits provided under any automobile insurance
19 maintained under §39-14.2-14(b) and (c).

20 **39-14.2-16. Limitations on TNCs.--** TNC drivers shall be independent contractors and
21 not employees of the TNC if all of the following conditions are met:

22 (1) The TNC does not prescribe specific hours during which a TNC driver must be
23 logged into the TNC's digital platform;

24 (2) The TNC imposes no restrictions on the TNC driver's ability to utilize digital
25 platforms from other TNCs;

26 (3) The TNC does not assign a TNC driver a particular territory in which to operate;

27 (4) The TNC does not restrict a TNC driver from engaging in any other occupation or
28 business; and

29 (5) The TNC and TNC driver agree in writing that the TNC driver is an independent
30 contractor of the TNC.

31 **39-14.2-17. Alcohol/Drug use strictly prohibited.--** (a) The TNC shall implement a zero
32 tolerance policy regarding a TNC driver's activities while accessing the TNC's digital network.
33 The zero tolerance policy shall address the use of drugs or alcohol while a TNC driver is
34 providing prearranged rides or is logged into the TNC's digital network but is not providing

1 prearranged rides, and the TNC shall provide notice of this policy on its website or mobile
2 application, as well as procedures to report a complaint about a TNC driver with whom a rider
3 was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol
4 during the course of the trip.

5 (b) TNCs shall provide notice on its website or digital network how a rider may report a
6 complaint about a TNC operator who the passenger reasonably suspects was under the influence
7 of drugs or alcohol during the course of a recently completed prearranged trip.

8 (c) Upon receipt of such a rider complaint alleging a violation of the zero tolerance
9 policy. The TNC shall suspend such TNC operator's access to the digital network as soon as
10 possible and shall conduct an investigation into the reported incident. The suspension of access
11 shall last until the investigation is complete. The TNC shall maintain records relevant to the
12 enforcement of this requirement for a period of at least two (2) years from the date that a rider
13 complaint is received by the TNC.

14 **39-14.2-18. Controlling authority.--** All provisions of this chapter, with the exception of
15 §39-14.2-14, are hereby declared to be the sole jurisdiction of the division. Section 39-14.2-14 is
16 hereby declared to be the sole jurisdiction of the division and the department of business
17 regulation. Cities, towns, and other local entities in the state are expressly prohibited from:

18 (1) Establishing any licensing or registration requirement or imposing any charge, fee or
19 tax on transportation network companies, transportation network company operators or personal
20 vehicles;

21 (2) Requiring a TNC driver to obtain a business license or any other type of similar
22 authorization to operate within the jurisdiction; or

23 (3) Subjecting transportation network companies to the city, town, or local entity's rate,
24 entry, operation, or other requirements, provided, however, that cities and towns may continue to
25 impose excise taxes upon the legal owners of vehicles used to provide TNC services in a manner
26 consistent with previous such taxation of private motor vehicles.

27 **39-14.2-19. Airport Corporation Authority.--** Notwithstanding the provisions of §39-
28 14.2-18, the Rhode Island airport corporation, or any successor entity authorized to oversee and
29 control the property of T.F. Green airport and any other state airport, shall have the authority to
30 establish reasonable regulations governing TNC operators offering TNC services on airport
31 property through proper amendment of the corporation's ground transportation rules or by
32 entering into operating agreements with TNCs.

33 **39-14.2-20. Business records to be maintained, retained by transportation network**
34 **companies.--** (a) A TNC shall maintain individual trip records that detail the date, time, pick-up

1 location, drop-off location, distance traveled, length of time of the trip and total fare charged for
2 every TNC service it coordinates in the state. Such records shall be maintained for a minimum of
3 two (2) years from December 31 of the calendar year in which the services were rendered.

4 (b) A TNC shall maintain detailed TNC operator records that include the dates and times
5 the operator "logs into" and "logs out of "the TNC's digital network, the number of TNC service
6 trips the operator performs through the TNC's digital network, and the total miles driven and fares
7 collected. Additionally, the TNC shall maintain records of all passenger complaints lodged
8 against each TNC operator and the results of any investigation or actions taken as a result of such
9 complaints. Such records shall be maintained for a minimum of two (2) years from December 31
10 of the calendar year in which the services were rendered.

11 **39-14.2-21. Anti-discrimination-Handicapped accessibility.--** (a) A transportation
12 network company shall adopt a policy of non-discrimination based on the rider's race, color,
13 national origin, religious belief or affiliation, gender, physical disability, age, sexual
14 orientation/identity, gender identity, or the pick-up location or drop-off location requested by the
15 rider. TNCs and TNC operators shall not impose any additional charge(s) for providing services
16 in compliance with this section.

17 (b) TNC drivers shall comply with all applicable laws regarding non-discrimination
18 against riders or potential riders on the basis of the rider's race, color, national origin, religious
19 belief or affiliation, gender, physical disability, age, sexual orientation/identity, gender identity,
20 or the pick-up location or drop-off location requested by the rider.

21 (c) TNC operators shall not deny or refuse service to any rider accompanied by a service
22 animal, nor shall a TNC operator impose any additional charge for the transportation of any such
23 service animal accompanying a TNC rider. Such service animals shall be allowed to accompany
24 the TNC rider in the passenger compartment of the vehicle without any conditions or restrictions,
25 so long as the animal does not impede the safe operation of the vehicle.

26 **39-14.2-22. Penalties for violations by TNC's or TNC operators.--** The administrator
27 may impose civil sanctions upon any TNC or TNC operator subject to the applicable provisions
28 of this chapter and/or any rules and regulations promulgated under it, who shall knowingly or
29 willfully cause to be done any act prohibited by applicable sections of this chapter, or who shall
30 be guilty of any violation of this chapter or the rules and regulations. The sanctions may include a
31 civil penalty (fine) or the suspension or revocation of the TNC's license. This fine shall not
32 exceed two hundred dollars (\$200) per each violation of the sections contained in this chapter or
33 the division's rules and regulations promulgated under it. The administrator shall not fine a TNC
34 or suspend or revoke the TNC's license unless the administrator has provided the TNC written

1 [notice of an alleged violation.](#)

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- TRANSPORTATION NETWORK
COMPANY SERVICES

1 This act would create regulatory provisions for operators and drivers of transportation
2 network services companies to be administered by the division of public utilities and carriers and
3 would include requirements for obtaining permits, requiring BCIs for TNC drivers, and would set
4 minimum insurance requirements.

5 This act would take effect upon passage.

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